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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,363	05/16/2006	Ronald Goodrich	018778-9213-01	1723

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EXAMINER
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COLON SANTANA, EDUARDO

ART UNIT	PAPER NUMBER
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2837

MAIL DATE	DELIVERY MODE
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07/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,363	<b>Applicant(s)</b> GOODRICH ET AL.	
	<b>Examiner</b> Eduardo Colon-Santana	<b>Art Unit</b> 2837	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-34 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/16/2006</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> .                  |

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**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 5/16/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
The specification to which the declaration is directed has not been adequately identified. See MPEP § 602.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 11, 16-23, and 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Schafer et al. U.S. Patent No. 6,594,565.

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Referring to claims 1-3, 22 and 23, Schafer et al. discloses a lift interlock control system as claimed (see all figures, abstract and respective portions of the specification). Schafer et al. discloses a control system (Fig. 2) for controlling the operation of an auxiliary device (wheelchair ramp) installed in a vehicle. The control system includes a microprocessor (1) (Fig. 1) that communicates with a vehicle controller for monitoring and controlling operation of the auxiliary device (see Col. 2, lines 12-68). Furthermore, the control system includes a plurality of sensors communicating with the controller, the sensors comprising vehicle sensors and auxiliary sensors (see Col. 1, line 66 to Col. 2, line 7 and Col. 3, lines 1-8).

As to claim 11, Schafer et al. discloses that the control system includes modules that have the capabilities to operate a lamp (illuminating means), see Col. 2, lines 11-12.

Referring to claim 16, Schafer et al. discloses that the controller provides a user interface that includes a power switch (10) indicating that the power on the auxiliary is on or off (see Col. 3, lines 39-50).

As to claims 17-21, the method steps are inherent in the product structure of claims 1-3 above. Furthermore, the abstract clearly discloses how the microprocessor performs its command, based clearly on the response of an interlock algorithm. Moreover, Schafer et al. clearly discloses a visual (display) warning or audible warning (buzzer) (see Col. 5, lines 5-9; Col. 6, lines 5-16 and Col. 2, lines 8-11).

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Referring to claims 31-34, the controller and the control interface modules being claimed are similarly addressed in claims 1-3 and 17-21 above. Further discussion is omitted.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 4-10, 15, and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable and obvious over Schafer et al. in view of DeLeo et al. U.S. Patent No. 6,042,327.

As to claims 4 and 24, Schafer et al. addresses all the limitations of claims 1-3 and 22 above. Although, Schafer states that the auxiliary device is a wheelchair lift (see Abstract), he does not explicitly describe that the auxiliary device includes a platform having inboard and outboard rollstops. However, DeLeo et al. clearly

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depicts from figure 1, a wheelchair lift (10) having inboard (14) and outboard (16) rollstops. Since Schafer et al. and DeLeo et al. are in the same field of endeavor, the purpose disclosed by DeLeo would have been recognized in the pertinent art of Schafer. It would have been obvious to one of ordinary skill in the art at the time of the invention to include platforms having inboard and outboard rollstops in the wheelchair lift as taught by DeLeo within the teaching of Schafer for the purpose/advantages that the rollstops would provide increased safety barrier height in the intermediate and transfer position and are especially suited to stop runaway wheelchair events in particular when the operation of the lift is allowed by the control system.

As to claims 5-10 and 25-30, Schafer et al. and DeLeo addresses the limitations of claims 4 and 24 above. In addition, Schafer et al. clearly discloses that the microprocessor controller for operating the auxiliary device (wheelchair lift) is based on transmitting the status of various sensors (i.e. park sensor, brake sensor, door sensor, lift sensor, etc.) to the microprocessor. However, Schafer et al. do not explicitly describe that the type of sensors used are (occupancy sensor, inboard and outboard rollstop position and/or occupancy sensor and threshold occupancy sensor) for their particular purpose to control the operation of the wheelchair lift. Nevertheless, such sensors as claimed are readily available and well-known. It would have been obvious to one of ordinary skill in the art at the time of the invention to use these type of sensors in the control system of

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Schafer, since it has been held to be within the ordinary capabilities of a person of ordinary skill in the art to select a known element or technique for improving a particular class of device on the basis of its suitability, in this case for the purpose/advantages of ensuring the safe operation of an auxiliary device, such as a wheelchair lift.

Referring to claim 15, Schafer et al. discloses the use of a microprocessor (1) which obviously includes a counter.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable and obvious over Schafer et al. and DeLeo et al. as applied to claim 4 above, and further in view of Ringdahl et al. U.S. Patent No. 6,357,992.

Referring to claim 12, Schafer et al. and DeLeo et al. addresses all the limitations of claim 4 above, but they do not explicitly describe having a motor control module linked with the controller for outputting pulse width modulated signal that controls the operation of a motor. However, Ringdahl et al. discloses a powered platform for lifting wheelchair (see figures 3-4), wherein the control system comprises a motor control module (figure 72) for controlling the pulse width modulated (PWM) output. Since Schafer and DeLeo and Ringdahl are in the same field of endeavor, the purpose disclosed by Ringdahl would have been recognized in the pertinent art of Schafer and DeLeo. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a PWM signal as taught by Ringdahl within the teaching of Schafer and DeLeo for the purpose/advantages that the PWM signal would indicated to the controller the variable

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speed to which the lift motor may be controlled for safer operation of the auxiliary device.

***Allowable Subject Matter***

6. Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record in form 892 and not specifically relied upon is considered pertinent to applicant's disclosure to further show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Colon-Santana whose telephone number is (571)272-2060. The examiner can normally be reached on Monday thru Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on (571) 272-2800 X.37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eduardo Colon-Santana/  
Patent Examiner  
Art Unit 2837

/ECS/  
July 28, 2008

/Walter Benson/  
Supervisory Patent Examiner, Art Unit 2837